

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

PRECISION CPAP, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	2:05-CV-1096-MHT-DRB
	)	
JACKSON HOSPITAL, et al.,	)	
	)	
Defendants	)	

**ORDER ON MOTION**

After due consideration of the *Motion to Quash Subpoena* filed on August 18, 2006, by Lincare, Inc., (Doc. 36), the *Response in Opposition* filed August 22, 2006, by Defendants Baptist Health, Inc., American Home Patient, Inc. and Baptist Ventures-American Home Patient (Doc. 38-1), and the *Notice of Resolution and Request for Modification of Subpoena* filed August 24, 2006, by Lincare, Inc., American Home Patient, Inc., and Baptist Ventures-American Home Patient (Doc. 40), it is, for good cause,

**ORDERED** as follows:

1. The *scheduled telephone conference* with counsel for all interested parties, at 10:30 a.m. on August 25, 2006, is CANCELLED.
2. The *Motion to Quash Subpoena (Doc. 36)* is DENIED to the extent of its request that the subpoena served on Lincare Inc. on or about August 7, 2006, be quashed.
3. The *Motion to Quash Subpoena (Doc. 36)* is GRANTED to the extent of its alternative request that the subpoena served on Lincare Inc. be modified, and the jointly requested modification specified in the Notice (Doc. 40) is GRANTED.

Accordingly, Lincare Inc. is hereby AUTHORIZED to respond to the Demand for Documents described on the *Rule 45 Subpoena Duces Tecum to Lincare, Inc.* , as document nos. 1, 2, 3, and 4 (Doc. 38-2), in the manner specified pursuant to the reported Agreement on the *Notice* (Doc. 40), and subject to any agreed-upon Protective Order duly submitted for entry by the Court.

Done this 25th day of August, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE